The opinion in support of the decision being entered today is not binding precedent of the Board.

Paper 41

Filed by: Trial Section Merits Panel

The sea

Box Interference

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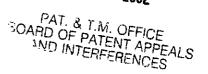
UNITED STATES PATENT AND TRADEMARK OFFICE

MAILED

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

MAR 1 9 2002

AMAR ANUMAKONDA, ROMULUS GAITA, STEPHEN YATES and JIM ZHOU,



Junior Party, (Patent 5,843,208),

v.

YAO-EN LI, JOSEPH E. PAGANESSI, and DAVID VASSABLO,

Senior Party (Application 09/296,652).

Patent Interference 104,390 (McK)

Before: McKELVEY, <u>Senior Administrative Patent Judge</u>, and SCHAFER and LEE, <u>Administrative Patent Judges</u>.

McKELVEY, Senior Administrative Patent Judge.

## JUDGMENT PURSUANT TO 37 CFR § 1.662

Upon consideration of ANUMAKONDA'S REQUEST FOR ENTRY OF ADVERSE JUDGMENT (Paper 37), it is

ORDERED that judgment on priority as to Count 1

(Paper 1, page 5), the sole count in the interference, is acceded

against junior party AMAR ANUMAKONDA, ROMULUS GAITA, STEPHEN YATES and JIM.ZHOU.

FURTHER ORDERED that junior party AMAR ANUMAKONDA, ROMULUS GAITA, STEPHEN YATES and JIM ZHOU is not entitled to a patent containing claims 1-31 (corresponding to Count 1) of U.S. Patent 5,843,208, granted 1 December 1998, based on application 08/899,736, filed 24 July 1997.

FURTHER ORDERED that a copy of this paper shall be made of record in files of involved application 09/296,652 and involved U.S. Patent 5,843,208.

mck

FRED E. McKELVEY, Senior Administrative Patent Judge

RICHARD E. SCHAFER

Administrative Patent Judge

BOARD OF PATENT APPEALS AND INTERFERENCES

JAMESON LEE

Administrative Patent Judge

104,390 cc (via First Class Mail): .Attorney for Anumakonda (real party in interest: Honeywell International Inc. [formally AlliedSignal Inc.]): Michael R. McGurk, Esq. Mark D. Sweet, Esq. FINNEGAN, HENDERSON, FARABOW, GARRET & DUNNER, L.L.P. 1300 I Street, N.W., Suite 700 Washington, D.C. 20005-3315 Tel: 202-408-4000 Fax: 202-408-4400 E-mail: michael.mcgurk@finnegan.com E-mail: mark.sweet@finnegan.com Colleen D. Szueh, Esq. ALLIEDSIGNAL INC. P.O. Box 2245 101 Columbia Road Morristown, NJ 07962 Tel: None Fax: None E-mail: None Attorney for Li (real party in interest: 'American Air Liquide, Inc. ("ALLI"); L'Air Liquide Société Anonyme Pour L'Etude et [and] L'Exploitation des Procédés Georges Claude ("ALSA") Nhat D. Phan, Esq. Todd R. Walters, Esq. BURNS, DOANE, SWECKER & MATHIS, L.L.P. P.O. Box 1404 Alexandria, VA 22313-1404 Address for overnight delivery: BURNS, DOANE, SWECKER & MATHIS, L.L.P. 1737 King Street Alexandria, VA 22314-2756 Tel: 703-836-6620 703-836-2021 Fax: E-mail: nhatp@burnsdoane.com E-mail: twalters@burnsdoane.com